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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,774	01/16/2002	Raymond T. Hsu	020106	1529
23696	7590	11/18/2008	EXAMINER	
QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			PHAN, JOSEPH T	
ART UNIT		PAPER NUMBER		
2614				
NOTIFICATION DATE		DELIVERY MODE		
11/18/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/051,774	<b>Applicant(s)</b> HSU ET AL.
	<b>Examiner</b> Joseph T. Phan	<b>Art Unit</b> 2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 20 August 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 65,67-80,82-92 and 94-101 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 65,67-70, 72-75, 77-80,82-84, 86-88, 90-92 and 94-101 is/are rejected.

7) Claim(s) 71,76,85 and 89 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/20/2008 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 65, 67-80, 82-92 and 94-101 have been considered but are moot in view of the new ground(s) of rejection.

### ***Allowable Subject Matter***

3. Claims 71, 76, 85, and 89 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and their intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not specifically teach wherein an IP multicast address and UDP port number are associated with said BCMCS ID.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 65, 67, 69-70, 78-80, 83-84, 90-92, 95-96, 100 and 101 rejected under 35 U.S.C. 102(a) as being anticipated by Sato et al. US Patent #7,254,409.

Regarding claim 65, Sato teaches means and method of broadcasting(Fig.24 and abstract), comprising: providing a service ID from an issuer to identify a broadcast service wherein the service ID uniquely identifies a broadcast service among one or more broadcast services from a common content server on a common radio channel(*Fig. 25, col. 28 lines 16-39; the program title and radio channel number is the service ID of the program which identifies it's corresponding broadcast service*), and further identifies availability of the broadcast service in an adjacent sector (col.29 lines 41-67);  
sending the service ID to a base station (*fig. 24 and 25; col.28 lines 16-39; the program title and other terminal information as shown in fig. 25 is sent to other base stations such as base stations 110-2 - 110-7 of fig.24*);  
configuring a broadcast service parameters message at the base station that includes the service ID, (*Fig.25, col.28 lines 16-39; Fig. 25 shows all of the parameters that are present including radio bases station number, program title, etc. The table is configured by a first base station and relayed to other adjacent base stations*);  
transmitting the broadcast service parameters message to a mobile station (*120 Fig.24; the radio terminals receive this information transmitted from the radio base station*); and using the service ID in the broadcast service parameters message at the mobile station to determine the availability of the broadcast service in the adjacent sector(*col.29 lines 41-67*).

Regarding claim 67, Sato teaches wherein the broadcast service has a service name (program title of fig. 25).

Regarding claim 69, 83 and 95, Sato teaches wherein the service ID is a globally unique service ID issued by a global issuer(*Fig. 25, col. 28 lines 16-39*).

Regarding claims 70, 78, 90 and 100, Sato teaches wherein the service ID comprises a Broadcast/Multicast Service ID (BCMCS\_ID), (*Fig. 25, col. 28 lines 16-39*).

Regarding claim 79, 91 and 101, Sato teaches wherein the BCMCS ID is a dual BCMCS\_ID comprising a global indicator to indicate uniqueness of the BCMCS\_ID, (*Fig. 25, col. 28 lines 16-39*).

Regarding claim 80, Sato teaches a method of broadcasting from a base station (110-1) (abstract; *fig. 24*), comprising: receiving from an issuer a first broadcast service identified by a first service ID, wherein the service ID uniquely identifies a broadcast service among one or more broadcast services from a common content server on a common radio channel(*Fig. 25, col. 28 lines 16-39*); receiving from the issuer a second service ID that identifies a second broadcast service received by a neighboring base station sector (*fig. 24; Fig. 25, col. 28 lines 16-39*); configuring neighbor configuration data that relates to the second broadcast service (*Fig. 25, col. 28 lines 16-39; see claim 65 above*); configuring a broadcast service parameters message that includes the second service ID and the neighbor configuration data, (*Fig. 25, col. 28 lines 16-39*); and transmitting the broadcast service parameters message to a mobile station currently receiving the first broadcast service, (*Fig. 25, col. 28 lines 16-39*).

Regarding claims 84 and 96, Sato teaches wherein the first service ID comprises a first BCMCS\_ID and wherein the second service ID comprises a second BCMCS ID(*Fig. 25, col. 28 lines 16-39*).

Regarding claim 92, Sato teaches a method of receiving a broadcast at a mobile station

(120) comprising: receiving a first broadcast service identified by a first service ID from a first base station sector, wherein the service ID uniquely identifies a broadcast service among one or more broadcast services from a common content server on a common radio channel (*Fig. 25, col. 28 lines 16-39*); receiving a broadcast service parameters message that includes a second service ID, wherein the second service ID uniquely identifies a broadcast service among one or more broadcast services from a content server on a common radio channel, and neighbor configuration data, wherein the second service ID identifies a second broadcast service available from a second base station sector, the first and second service IDs being received from a common issuer (*Fig. 25, col. 28 lines 16-39, col. 29 lines 41-67*); examining the neighbor configuration data that relates to the second broadcast service, (*Fig. 25, col. 28 lines 16-39, col. 29 lines 41-67*); and determining, based on the neighbor configuration data, whether the first service ID and the second service ID identify the same broadcast content whereby reception of the broadcast content is continued in the second base station sector (*Fig. 25, col. 28 lines 16-39, col. 29 lines 41-67*).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 68, 72-75, 77, 82, 86-88, 94, 98 and 99 rejected under 35 U.S.C. 103(a) as being unpatentable over Sato in view of Chang et al. US Patent Pub. 200210102967.**

Regarding claims 68, 72-74, 77, 82, 86-87, 94, 98 and 99, while Sato teaches of receiving by the content server a service ID, Sato does not specifically teach of requesting by the content server the service ID.

However, Sato suggests this since the mobile terminal is requesting content and the content server must be able to request information if the content server is able to retrieve and transmit the information to the mobile terminal.

Nonetheless, Chang teaches that it was well known in the art to request by a content server a service ID from a global/local issuer, (fig. 2; paragraphs 10-13). Chang further teaches dynamically generating a BCMCS\_ID and associating a lifetime value with the BCMCS\_ID, (paragraphs 9 and 13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sato by requesting content from a global or local issuer and generating a BCMCS\_ID as suggested by Chang so that the content server can request data based upon the mobile terminal's needs.

Regarding claims 75 and 88, Sato teaches wherein the service ID comprises a BCMCS\_ID(*Fig. 25, col. 28 lines 16-39, col.29 lines 41-67*).

**7. Claims 71, 76, 85, 89 and 97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato in view of Siddiqui et al. US Patent 6,826,176.**

Regarding claims 71, 76, 85, 89 and 97, Sato does not specifically teach wherein an IP multicast address and UDP port number are associated with said BCMCS ID. In the same field of endeavor, Siddiqui teaches wherein an IP multicast address and UDP port number are associated with said BCMCS\_ID, (abstract; col. 2, lines 7-25; col.3, lines 44-53; col. 4, line 45-col. 5, line

4-, col. 6, line 50-col. 7, line 21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hsu by associating an IP multicast address and UDP port number with the broadcast service as taught by Siddiqui so that data packets can be routed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The examiner can normally be reached on Mon-Fri 8:30am-6pm EST, off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph T Phan/  
Examiner, Art Unit 2614  
/CURTIS KUNTZ/

Application/Control Number: 10/051,774

Art Unit: 2614

Page 8

Supervisory Patent Examiner, Art Unit 2614